

P-3488/D1

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICERECEIVED
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AUG 9 2004
OFFICIAL

Applicant: Golabek et al.

Serial No.: 10/608,175

Group Art Unit: 1743

Filing Date: June 27, 2003

Examiner: Fureman

Title: Self-Aligning Blood Collection Tube with Encoded Information.

COMMISSIONER FOR PATENTS
P.O. BOX 1450,
ALEXANDRIA, VA 22313-1450I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING FAXED (703) 872-9806 TO:
COMMISSIONER FOR PATENTS, P.O. BOX 1450,
ALEXANDRIA, VA 22313-1450ON: August 11, 2004
BY: URSULA M. POLIGNONE
Ursula M. Polignone
(SIGNATURE)

Dear Sir:

DECLARATION UNDER 37 C.F.R. § 1.132

I, the undersigned, am currently Vice President of Business Operations and Technology BDId, for Becton, Dickinson & Company. I have 6 years of experience in the biological sample collection and processing field, including blood collection into evacuated tubes. I am familiar with the subject matter claimed in U.S. patent application serial no. 10/608,175, and with the subject matter described in U.S. Patent No.3,656,473 to Sodickson et al ("Sodickson").

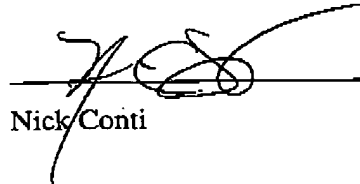
Sodickson teaches and suggests, to me and, I believe, to a reader of similar background, that the process described in the patent be performed in the order set out in claim 1 of the patent. Specifically, I believe a reader desiring to follow or emulate Sodickson would first fill a specimen container with the specimen of interest, and then encode a label located on the container with patient information. Sodickson does not suggest to me that the label should first be encoded prior to sample collection.

All statements made herein based on my own knowledge are true, and statements made on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine and/or imprisonment (18 U.S.C. § 1001),

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and may jeopardize the validity of the present application and any patents issuing from the present application.

Date: July 12, 2004



Nick Conti

Doc#79448v3